

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

HILDA L. SOLIS,
SECRETARY OF LABOR,
UNITED STATES DEPARTMENT OF LABOR,

Plaintiff,

v.

CA No. 2:11-cv-00138-NBF

KEVIN T. WEIR, LIBERTY-PITTSBURGH
SYSTEMS, INC., and LIBERTY-PITTSBURGH
SYSTEMS, INC. 401(k) RETIREMENT PLAN,

Defendants.

MOTION TO WITHDRAW ATTORNEYS' APPEARANCES

NOW COME Peter D. Post, W. Scott Hardy and Ogletree, Deakins, Nash, Smoak & Stewart, PC to request that the Court approve this Motion to Withdraw as Defendants' Counsel in this case, and in support thereof represent as follows:

1. Counsel entered an appearance on behalf of Defendants in this suit on February 11, 2011.
2. Counsel represented Defendants diligently up through resolution of the suit by entry of a Consent Judgment agreed to by Plaintiff and Defendants.
3. Counsel and their law firm submitted nine bills to Defendants beginning in March, 2011 and ending in October, 2011.
4. Defendants have not paid any of Counsel's bills despite numerous requests for payment.
5. Counsel and their firm are at the stage where collection efforts will have to be undertaken to collect the unpaid bills.

6. Counsel believe that they cannot maintain the necessary attorney-client trust to represent Defendants while undertaking adversarial efforts to collect the unpaid bills.

7. Counsel have given notice to Defendants of their intent to file the instant motion but the bills have not been paid. A copy of this motion has been served on Defendants.

WHEREFORE, Attorneys Post and Hardy and their law firm, Ogletree, Deakins, Nash, Smoak & Stewart, PC, respectfully request that the Court approve their Motion to Withdraw as Defendants' Attorneys in this suit. A proposed Order is attached.

Dated: November 23, 2011

Respectfully submitted,

/s/ Peter D. Post
Peter D. Post, Esquire
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/s/ W. Scott Hardy
W. Scott Hardy, Esquire
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Counsel for Defendants

CA No. 2:11-cv-00138-NBF

CERTIFICATE OF SERVICE

I hereby certify that on November 23, 2011, a copy of the foregoing **Motion to Withdraw Attorneys' Appearances** was *filed electronically through the Court's CM/ECF System*. Notice of this filing will be sent by *e-mail* to all parties by operation of the court's electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the court's CM/ECF System.

David J. Hickton, U.S. Attorney
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1100 Wilson Boulevard
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Arlington, VA 22209
Counsel for Plaintiff

I hereby certify that on November 23, 2011, I served a true and correct copy of the foregoing **Motion to Withdraw Attorneys' Appearances** via U.S.P.S. First Class Mail, postage prepaid, as follows:

Mr. Kevin T. Weir
Liberty-Pittsburgh Systems, Inc. and
Liberty-Pittsburgh Systems, Inc. 401(k) Retirement Plan
3498 Grand Avenue
Pittsburgh, PA 15225-1508
Defendants

/s/ Peter D. Post
Peter D. Post, Esquire